3782.

SUPREME COURT OF THE UNITED STATES.

No. 191.

THE UNITED STATES, APPELLANTS,

vs.

MARIA MANUELA VALENCIA.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this thirteenth day of December, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Maria Manuela Valencia for the place named "Boca de Cañada del Pinole," was presented, and ordered to be filed and docketed with No. 490, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *March* 30, 1853.

In case No. 490, Maria Manuela Valencia, for the place named "Boca de Cañada del Pinole," the deposition of Juan B. Alvarado, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, with document marked H. J. T., Exhibit A, annexed thereto, was filed.

(Vide page 4 of this Transcript.)

SAN FRANCISCO, *Feb.* 14, 1854.

In the same case the deposition of Vicente Miramontes, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *May* 2*d*, 1854.

Case No. 490 was called, submitted on briefs, and taken under advisement by the board.

SAN FRANCISCO, *May* 16, 1854.

In the same case Commissioner Thompson Campbell delivered the opinion of the board, rejecting the claim.

(Vide page 13 of this Transcript.)

SAN FRANCISCO, *Aug.* 15, 1854.

In the same case, on motion of the U. S. law agent, the following order was made, to wit:

(Vide page 17 of this Transcript.)

Petition.

To the honorable the Commissioners for ascertaining and settling private land claims in the State of California.

The petition of Doña Maria Manuela Valencia respectfully

Answer. She has not; that is the only one she has occupied.

6 question. Has she a house or houses on the land? If so, how many?

Answer. She had, three years ago, two adobe houses on the place. I do not know how many she has now. She has a large family, and some of her children are married, and are living on the same rancho.

VICENTE MIRAMONTES.

Mr. Greenhow, associate law agent, was present at the taking of the deposition, but propounded no questions.

Subscribed and sworn to before me this 14th day of February, 1854.

ALPHEUS FELCH,
Commissioner.

Filed in office February 14th, 1854.

GEO. FISHER, *Secretary.*

A.—*Grant.*

Sello Primero—Seis Pesos.

Habilitado provisionalmente por la aduana maritima de Monterey para los años de 1842 y 1843.

ANTONIO MA. OSIO.

ALVARADO.

[SEAL.]

Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

Por cuanto Da. Ma. Manuela Valencia ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de la Boca de la Cañada del Pinole, colindante con el rancho de Don Ygnacio Martinez con el de Julian Wil y con el de Don Candelario Valencia practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos usando de las facultades que me son conferidas á nombre de la nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose a la aprovacion de la ex'ma junta departamental, y a las condiciones siguientes:

1o. Podra cercarlo sin perjudicar las travecias caminos y servidumbres lo disfrutara libre y esclusivamente destinandolo al uso o cultivo que mas le acomode debiendo ocupar la casa que tenga fabricada.

2o. Solicitara del juez respectivo que le de posecion en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunas señales nesesarias.

3o. El terreno de que se hace donacion es de tres sitios de ganado mayor poco mas o menos segun esplica el diseño respectivo. El juez qe. le diere la posecion lo hara medir conforme a ordenanza quedando el sobrante que resulte a la nacion para los usos qe. mas le convengan.

4o. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consequencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo de asientos sobre adjudicaciones de terrenos valdios y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey á veinte y uno de Junio de mil ochocientos cuarenta y dos.

JUAN B. ALVARADO.

MAN'L JIMENO, *Secretario.*

Queda tomada razon de este despacho en el libro de asientos sobre adjudicaciones de terrenos valdios á fojas 14.

JIMENO.

El Exmo. Señor gobernador ha dispuesto se tome razon de este titulo en la prefectura del primer distrito.

JIMENO.

Tomese razon.

ESTRADA.

Queda tomada razon de este sup'r titulo en el cuaderno respectivo de esta oficiria á fojas 7 frente.

Monterey, Junio 22 de 1842.

JOSÉ MARIA CASTAÑARES,
Scrio. Into.

Filed in office Dec'r 13th, 1852.

GEO. FISHER, *Sec'y.*

B.—*Translation of A.*

Stamp First—Six Dollars.

Provisionally authorized by the maritime custom-house of Monterey for the years 1842 and 1843.

ANTONIO MA. PICO.

ALVARADO.

[SEAL.]

Juan B. Alvarado, Constitutional Governor of the Department of California.

Whereas Mrs. Maria Ma. Valencia has petitioned for her personal benefit, as well as for that of her family, a tract of land known by the name of La Boca de la Cañada de Pinole, being bounded by the rancho of Mr. Ygnacio Martinez, by that of Julian Wil and Mr. Candelario Valencia:

All the steps and investigations concerning thereto having been first had as required by laws and regulations, in exercise of the powers granted to me, in the name of the Mexican nation, I have granted to the said Ma. Mana. Valencia the above mentioned tract of land, declaring to her the ownership thereof by these presents, to be subject to the approval of the most honorable the departmental board, and under the following conditions:

1st. She may fence the same without detriment to the crossings, roads and easements, to enjoy it freely and exclusively, devoting it to such use or cultivation as best suits her, and to occupy a house which is to be erected thereon.

2d. She shall solicit the proper officer to give her judicial possession by virtue of this title, by whom the boundaries shall be marked out, at the limits of which she is to place besides the landmarks some other usual marks.

3d. The land granted as aforesaid is of three square leagues, (sitios de ganado mayor,) more or less, as shown by the sketch of the same. The officer who may give her the possession shall cause the same to be measured according to ordinance, the surplus thereof to remain to the nation for other convenient purposes.

4th. If she contravene these conditions, she shall forfeit her right to the land, and will be liable to be denounced by another.

Therefore, in order that this title being held firm and valid, a record thereof be made in the respective book on adjudication of government lands, and afterwards let it be delivered to the interested party for her security and other purposes.

Given at Monterey on the twenty-first day of June, eighteen hundred and forty-two.

(Signed) JUAN B. ALVARADO.

MANUEL JIMENO, *Secretary.*

A record of this title has been made in the book of registry on adjudication of government lands, at folio 14.

JIMENO.

His excellency the governor has directed that a record of this title be made in the office of the prefect of the first district.

(Signed) JIMENO.

Let a record be made.

ESTRADA.

A record of this title has been made in the proper book kept in this office on page 7.

Monterey, June 22, 1842.

JOSÉ MA. CASTAÑARES,
Secretary ad interim.

Filed in office December 13th, 1852.

GEO. FISHER, *Secretary.*

[*For map see original, page* 13.]

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and, as such, now having in my office and under my custody a portion of the archives of the former Spanish

and Mexican Territory or department of Upper California, do hereby certify that the preceding and hereunto annexed page of tracing paper exhibits a true and accurate copy of a map, being part of the expediente entituled Expediente promovido por Doña Maria Manuela Valencia en pretencion del parage nombrado "Boca de la Cañada del Pinole," año de 1842, "284," now on file and forming a part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office,) [SEAL.] at the city of San Francisco, Cal., the 31st day of January, 1853.

SAMUEL D. KING,
Surveyor General Cal.

Filed in office Feb'y 25th, 1853.

GEO. FISHER, *Secretary.*

Opinion of the Board.

MARIA MANUELA VALENCIA
vs.
THE UNITED STATES.

The Rancho de la Boca del Pinole—Three leagues.

The petitioner in this case, for the purpose of deducing title to the land described in her petition, has placed on file the original grant made by Governor Alvarado on the 21st day of June, A. D. 1842, together with a traced copy of a map taken from the surveyor general's office of the United States for the State of California.

The certificate of the surveyor general, which accompanies said map, contains the statement that it (the map) is a part of the espediente in that case.

The foregoing documents are both proven to be genuine, and embrace all the documentary evidence adduced by the petitioner in this case.

There is no proof that any judicial possession of the premises were ever given, or that any approval of said grant was ever made by the departmental assembly.

The depositions on file show a long residence on the land by the grantee, and establish very clearly a substantial compliance with the conditions of the grant, and the only obstacle to a confirmation of the claim is to be found in the proof of boundaries.

The grant is in the usual form, and with the usual conditions attached, and contains the following descriptions of the land granted. The tract of land is known by the name of the mouth of the Pinole Valley, "coterminous" with the rancho of Don Ygnacio Martinez, with that of Julien Wil, and with that of Candelario Valencia. The 3d condition of the grant assignates the quantity granted as being threes quare leagues, as explained by the respective map, and provides for a sobrante. There being no evidence

adduced that any segregation of the land intended to be granted was ever made, the question presents itself whether the description given in the grant, together with the description given on the map, which, by reference, is made a part of the grant, sufficiently describes the land so as to effect its separation from the other lands of a like character, without the aid of the judicial measurement provided for in the third condition, and whether the grant itself is intended to be by metes and bounds.

A careful examination of the map referred to will show that it is not more specific than the grant, with the single exception of giving the points of the compass. The map has no scale of distances laid down, and consequently we can have no means of knowing the extent of country intended to be embraced within the delineations of boundary as there made.

The map represents the rancho of Dn. Ygnacio Martinez as bounding on the north and northeast, the rancho of Julian Wil as bounding on the east, and the rancho of Candelario Valencia as bounding on the south. There is no designation of boundary of any kind on the west side, and there are no natural objects laid down as boundary marks.

For aught that appears on the map, the delineation might embrace only three square leagues, and it might embrace fifty. This commission has no means of ascertaining.

It has heretofore been decided that in cases where no judicial measurement had been made, and where, too, a sobrante was provided for, if, from all the papers in the case, it was made to appear that the grant was one by metes and bounds, if the description was sufficiently specific, a decree of confirmation could be entered; but in the case under consideration no such intention can be inferred from the documents on file ; on the contrary, I think it is very clearly shown, that it was the intention to grant the specific quantity of three square leagues, and that the same should be taken within the limits as defined on the map, reserving the residue to the nation. If the boundaries were clear and specific, and there was a scale of distances as laid down on the map, by which the quantity might be ascertained with a reasonable degree of certainty, and it appeared that the boundaries did not contain more than the quantity granted, then a segregation by judicial measurement might be dispensed with.

But in the case before us no such means can be resorted to, and the party has failed to give us any oral testimony on the subject. If it were true that the boundaries as delineated on the map contained no more than three square leagues, the quantity granted, that fact is certainly susceptible of proof, and it devolved upon the petitioner to show it.

This commission has frequently taken occasion to advert to the necessity and importance of the kind of proof just referred to, and

the absolute necessity of showing by some means that the boundaries within which the party claims do not contain more than her grant calls for, must be apparent to all.

There can be no more clear proposition presented than when the government of Mexico expressed in precise terms the exact quantity which was intended to be granted to be three square leagues, the party could not take six or ten under the clause, a little more or less.

The quantity granted was material, and the government provided a way for ascertaining that quantity, and, notwithstanding there was no regular scientific government surveyor, the rude measurement which was made of lands that were granted, by an officer responsible to the government for his acts, and who was bound by his oath to protect the public domain and guard the law from violation, secured just as effectually the segregation of the land granted, and fixed the quantity, not perhaps with the same precision and certainty, but near enough for all practical purposes. The terms more or less were, no doubt, inserted in view of the rude and uncertain means which the government at that day was compelled to adopt in the absence of a more scientific mode of making surveys of the public lands.

We therefore think that in the grant under consideration was clearly not intended to be made by metes and bounds, without regard to quantity; and as no proof has been produced by which the exact quantity embraced in their given limits can be ascertained, the claim for confirmation must be denied for the want of a sufficient description of the land.

The claim is therefore rejected.

Filed in office May 16th, 1854.

GEO. FISHER, *Secretary*.

Decree.

MARIA MANUELA VALENCIA
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the petitioner is not valid, and it is therefore decreed that her application for a confirmation of the same be denied.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office June 7th, 1854.

GEO. FISHER, *Secretary*.

Order.

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the northern district of California, it is hereby ordered that two transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other be transmitted to the Attorney Gen'l of the United States.

Secretary's Certificate.

OFFICE OF THE BOARD OF COMMISSIONERS

To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing seventeen pages, numbered from 1 to 17, both inclusive, to contain a true, correct and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office in case No. 490 on the docket of the said board, wherein Maria Manuela Valencia is the claimant against the United States, for the place known by the name of "Boca de Cañada del Pinole."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this fourth day of December, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Endorsed: Filed December 4th, 1854.

JOHN A. MONROE, *Clerk.*

Petition, &c.

In the District Court of the United States for the northern district of California.

MARIA MANUELA VALENCIA, Claimant,
vs.
THE UNITED STATES, Defendant.

For the place named "Boca de Cañada del Pinole."

To the Clerk of said court:

Please take notice that we have been retained by the plaintiff in the above entitled cause, to prosecute this suit.

You will further take notice that it is the intention of the plaintiff to prosecute the appeal of said cause from the decision of the board of land commissioners to settle private land claims in Cali

fornia, rejecting said claim, being case No. 490 before said commission.

Yours, &c.,

BATES, LAWRENCE & HASTINGS,
Att'ys for Claimant.

In the District Court of the United States for the northern district of California.

MARIA MANUELA VALENCIA, Claimant,
vs.
THE UNITED STATES.
} No. 490 of Transcripts.

For the the place named "Boca del Cañada del Pinole."

To the District Court of the United States for the northern district of California.

The petition of Doña Maria Manuela Valencia respectfully represents, that she is a citizen of California; that the premises hereinafter mentioned are within the jurisdiction of this court; that she presented her petition to the board of land commissioners to ascertain and settle private land claims in the State of California, on the 13th day of December, A. D. 1852, for a confirmation to herself of the place named "Boca de Cañada del Pinole," adjoining and contiguous with the rancho of Don Ignacio Martinez, with that of Julian Will, with that of Don Candelario Valencia, said tract containing three square leagues, more or less, situate in the county of Contra Costa. This petitioner further says, that she accompanied her said petition with the original grant of said land by Juan B. Alvarado, governor of California, dated the 21st day of June, A. D. 1842, to your petitioner. And your petitioner further says, that she supported her said claim before the said commission by the testimony of witnesses, a transcript whereof is on file in this cause. And your petitioner further says, that she was in possession of said premises prior to the date of said grant; that she lived upon and cultivated a considerable portion of said premises; which said occupation and cultivation she has continued until the present time; that she knows of no conflicting claim thereto.

And your petitioner further represents, that her said claim was rejected by the board of land commissioners on the 7th day of June, A. D. 1854, and a decree was entered accordingly.

That the only ground upon which said opinion and decree was founded, was for uncertainty and indefinitiveness of boundaries.

Your petitioner further says, that said ranch is bounded as follows: on the north by the rancho of Don Ignacio Martinez; on the east by the rancho of Don Julian Will; on the south by the rancho of Candelario Balencia, and on the west by the rancho last mentioned and the Sierra de Labor; that said boundaries contain three square leagues of land, and were the boundaries of the place

known as "Boca de Cañada del Pinole," long prior to the date of the grant therefor.

Your petitioner further represents, that the transcript in said cause containing the proceeding and decision, and the papers and evidence on which the same was founded, properly certified by George Fisher, secretary of the said board, has been sent up by said board of land commissioners to, and filed in this court, in accordance with the law in such cases made and provided, on the 4th day of December, A. D. 1854, to all of which papers reference is herein had, and made a part of and incorporated into this petition.

Your petitioner further says, that she begs leave to introduce further testimony in support of her said claim, under the rules and order of this court, and therefore prays that this honorable court will review the decision of said board of commissioners, and decide upon the validity of her said claim; and your petitioner shall ever pray, &c.

By BATES, LAWRENCE & HASTINGS,
Her Attorneys.

Due service of a copy, of which the within is the original, is hereby admitted.

Dated San Francisco, December 7th, A. D. 1854.

S. W. INGE,
U. S. Att'y.
Pr. A. GLASSELL.

Endorsed: Filed December 8th, 1854.
JOHN A. MONROE, *Clerk.*

Deposition of Jose de Jesus Martinez.

United States District Court, northern district of California.

SAN FRANCISCO, *May 30th*, 1855.

On this day, before W. H. Chevers, a commissioner of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came José de Jesus Martinez, a witness produced on behalf of the claimant in case No. 138, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California in case No. 490 on the docket of the said board of commissioners, and was duly sworn and testified as follows:

Present, Edwin A. Lawrence, counsel for claimant, and A. Glassell, for the U. S. district attorney.

Question 1st by claimant. What is your name, age, and place of residence?

Answer. My name is José de Jesus Martinez; am 40 years of age; and my place of residence is Contra Costa county, California.

Question 2d. Are you acquainted with the rancho above mentioned; if yea, how long have you known it?

Answer. I do know said rancho; I have known said rancho since the month of April, A. D. 1829.

Question 3d. State what you know in regard to the occupation and cultivation of said rancho by said claimant, and state whether said claimant is a widow or married woman.

Answer. I know that in the said year 1829 the husband of said claimant cultivated said rancho, and did so every year up to the time of his death, which took place on the 6th day of January, 1840, and since then the place has been and is now occupied and cultivated by his widow. She is still a widow and has remained a widow ever since the death of her husband, Felippe Briones, who built in his lifetime an adobe house for a dwelling-house, and one for a kitchen or cook-house; also there was a garden.

Question 4th. State what you know in regard to the boundaries of said rancho, what are its contents, and what you know in regard to any survey of the same.

Answer. The boundaries of said rancho are as follows, viz: On the north it is bounded by the rancho of Ignacio Martinez, my father, called "Pinole;" on the east by the ridge of the lagoons, which ridge separates it from the rancho of William Welsh; on the south by the rancho of Mr. Brown, which he bought of Candelario Valencia; the dividing ridge between the two ranchos is called "Cuchilla del Keliz;" and on the west by the ridge called "La Cuchilla del Corral de Galindo," which ridge divides it from the San Pablo, or sobrante rancho, and also on the west and northwest by "La Joya," which touches both the San Pablo or sobrante rancho, and that of Ignacio Martinez. The rancho claimed in this case is entirely and completely surrounded and bounded by the ranchos which I have mentioned. The contents of the rancho claimed in this case are about three leagues. The original map, a copy of which is attached to the transcript in this case, was made by me in 1841, and is correct. It was the original map presented by Doña M. M. Valencia to the governor when she petitioned for the land, and I made it for that purpose. When I made it the houses, corral and garden were on the rancho as represented on the map.

Cross-examined by U. S. Attorney.

Question 1st. By what means did you obtain any knowledge of the boundaries of the said rancho and the contents of the same? State all the means of knowledge you have in the matter.

Answer. I became acquainted with the boundaries of said rancho by going over the land with Ramon Briones, one of the sons of the widow, the claimant, for the purpose of making the map I have alluded to; by comparison with the "Pinole" ranch, which contains four leagues of land. I know the one in question does not contain more than three. I have lived on said rancho of my said father since April, 1830, and have ridden over the ran-

cho in question thousands of times, and am well acquainted with everything connected with it.

Question 2d. Have you any interest in the event of this cause?

Answer. None whatever.

JOSÉ DE JESUS MARTINEZ.

Sworn to and subscribed before me, this 30th of May, 1855.

W. H. CHEVERS,
U. S. Commissioner.

Endorsed: Filed May 30th, 1855.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy Clerk.*

Opinion by his Honor Judge M. H. McAllister.

MARIA M. VALENCIA, Appellant,
vs.
THE UNITED STATES, Appellees.

The claim in this case is predicated upon a grant made by Governor Alvarado on 21st day of June, 1842. The genuineness of this document is established, and the testimony in the cause proves a long residence on the land, and a substantial compliance with the conditions of the grant. No approval of the departmental assembly was obtained, nor was judicial possession of the premises given. The claim was rejected by the commissioners for the reason that, there being no segregation of the lands, the description of the premises in the grant and map referred to was too indefinite, and that the specific quantity intended to be granted could not be identified. On this point they say, "The map has no scale of distances laid down, and consequently we have no means of knowing the extent of country intended to be embraced within the delineations of boundary as there made."

This objection cannot avail to defeat this claim under the authority of the case of Fremont vs. The United States. The land granted is described by the name of "La Boca de Cañada de Pinole," being bounded by the rancho of Ignacio Martinez, by that of Julian Wil and that of Candelario Valencia. These boundaries are given in the map, together with the points of the compass.

The testimony of Jesus Martinez has been taken in this court, which gives the boundaries of the land. This witness deposes that the land is completely surrounded by the ranches named, and contains about three leagues.

The third condition of the grant describes the granted land as being three square leagues in extent, as shown by the map, and reserves the sobrante.

The court therefore considers that the claim to the extent of three square leagues, called for in the grant, should be confirmed.

Decree.

In the District Court of the United States for the northern district of California.

THE UNITED STATES ads. MARIA MANUEL VALENCIA. } Decree No. 138.

Stated Term—November 26th, 1855.

This cause came on to be heard at a stated term of said court on appeal from the final decision of the commissioners to ascertain and settle private land claims in the State of California, under an act of Congress approved March 3d, 1851, upon a transcript of the proceedings, papers and evidence on which such decision was founded, and on additional testimony taken in this court, and it appearing that said transcript has been filed according to law, and counsel for the respective parties having been heard, it is hereby ordered, adjudged and decreed that the said decision be in all things reversed; and it is further ordered, adjudged and decreed that the claim of the appellee to said Maria Manuel Valencia is a good and valid claim to the land known by the name of "La Bocha del Cañada de Pinole" to the extent of three square leagues within the boundaries as described in the grant and map on file in the record: Provided, said quantity of three leagues be contained within said boundaries; and if there be less than said quantity of three square leagues, then such less quantity is hereby confirmed to the said appellee.

M. HALL McALLISTER,
Judge Circuit Court U. S., Dists. Cal'a.

Endorsed: Filed November 26th, 1855.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy Clerk.*

Order granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room in the city of San Francisco, on Friday, the 6th day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES vs. MARIA MANUELA VALENCIA. } D. C. 138.—L. C. 490.

In this case, on application of P. Della Torre, esq., U. S. attorney, it is ordered that an appeal in behalf of the United States from the final decision of the court rendered in said court at the June, 1855, term, be, and the same is hereby, granted, and that a certified transcript of the pleadings, evidence, depositions, and proceedings in the said cause be sent to the Supreme Court of the United States